



Lawyers' Fund for Client Protection

2024 Annual Report





Lawyers' Fund for Client Protection

Fiscal Year 2024 Annual Report

Sharon L. Kennedy

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Pamela Leslie

Steven Nourse

Carmen Roberto

Josué Vicente

MEMBERS

Janet Green Marbley

DIRECTOR/BOARD SECRETARY

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Introduction

This Annual Report for the Lawyers' Fund for Client Protection is respectfully presented to Chief Justice Kennedy and Justices of the Supreme Court of Ohio.

On May 13, 1985, the Court established the Lawyers' Fund for Client Protection (formerly known as the Clients' Security Fund.) The purpose of the Lawyers' Fund is to reimburse former law clients who have lost money or property as a result of the dishonest conduct of their lawyer. Since the establishment of the Lawyers' Fund, the Court has allocated over \$26 million towards the achievement of this mission.

This report includes a detailed review of reimbursements made during fiscal year 2024 (July 1, 2023 – June 30, 2024), including the types of claims reimbursed and the restitution collected from dishonest lawyers. Every reimbursement made helps to restore public confidence in the legal profession.

The legal profession is the only profession that reimburses losses caused by the dishonest conduct of its members. While the overwhelming majority of Ohio lawyers observe high standards of integrity and professionalism when entrusted with law-client money or property, the dishonest acts of a few can harm the public's image of and confidence in the legal profession as a whole.

The Board of Commissioners as well as the staff commend the Supreme Court of Ohio for its continuing and unwavering support of the mission and purpose of the Fund.



Janet Green Marbley, Esq.

Director, Lawyers' Fund for Client Protection

"The Fund exists because of good lawyers, not bad."

Chair's Comments

On behalf of the Board of Commissioners of the Lawyers' Fund for Client Protection of Ohio, I am pleased to present this report to the Supreme Court of Ohio covering the work of the Fund during FY2024.

In fiscal year 2024, the Fund received 74 new applications for reimbursement. The Board reviewed 66 claims and determined that 60 were eligible for reimbursement. The total reimbursement for eligible claims for fiscal year 2024 was \$995,871.19. Five claimants received the maximum reimbursement of \$100,000.

The reimbursements made in fiscal year 2024 resulted from the dishonest conduct of 26 Ohio attorneys. As in previous years, this number represents less than one-tenth of one percent of all active Ohio attorneys.

I would like to express my sincere appreciation to the Commissioners with whom I serve for their hard work and dedication to the accomplishment of the Fund's mission. These individuals volunteer their time and expertise to help improve the image of the legal profession by helping those who have been harmed by the dishonest acts of a few.

I want to thank the staff of the Fund whose responsibilities include, but are not limited to, investigation of claims, presentation of claims to the Board, and numerous other administrative tasks. Their contribution to the Fund's mission is invaluable.

I would also like to thank the Supreme Court of Ohio for its continued support of the Fund's mission and goals and for the confidence placed in me by allowing me to Chair this Board.

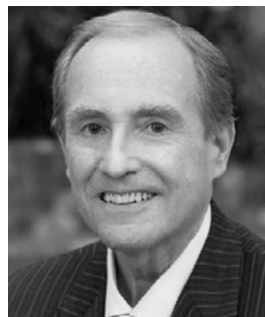
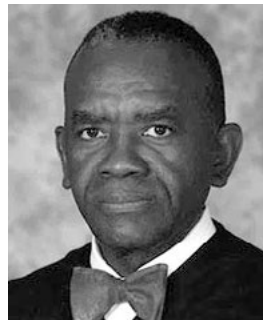


Hon. Cassandra Collier-Williams, Chair
Lawyers' Fund for Client Protection, Board of Commissioners

Board of Commissioners

Gov.Bar R. VIII requires the establishment of a seven-member board of commissioners (Board) of the Lawyers' Fund for Client Protection (LFCP) to determine the eligibility of claims filed with the LFCP and to manage fund assets.

The current board includes three attorneys, one judge, one retired judge, and two non-attorneys. Board members are appointed by the Supreme Court justices to three-year terms and are limited to two consecutive terms. By rule, the commissioners serve as volunteers and are not compensated; however, they are reimbursed for travel expenses related to board business.



TOP ROW, LEFT TO RIGHT: Hon. Cassandra Collier-Williams and Hon. Guy L. Reece II
MIDDLE ROW, LEFT TO RIGHT: Gregory Gilchrist and Pamela Leslie
BOTTOM ROW, LEFT TO RIGHT: Steven Nourse, Carmen Roberto, and Josué Vicente

HON. CASSANDRA COLLIER-WILLIAMS was appointed to the board for a three-year term beginning on Jan. 1, 2019. Judge Collier-Williams has served on the Cuyahoga County Common Pleas Court bench since January 2013. She currently serves as chair of the board.

GREGORY GILCHRIST was appointed to the board for a three-year term beginning Jan. 2, 2021. He is a professor at the University of Toledo College of Law where he teaches and writes in the areas of criminal law, corporate law, criminal procedure, and white-collar crime.

PAMELA LESLIE was appointed to the board for a three-year term beginning Jan. 1, 2021. She is a mental-health therapist with Holistic Consultation LLC. Ms. Leslie is a former employee of the Supreme Court of Ohio.

HON. GUY L. REECE II was appointed to the board for a three-year term beginning on Jan. 1, 2019. Judge Reece retired from the Franklin County Common Pleas Court bench in January 2019 after having served since 2003. Judge Reece also served on the Franklin County Municipal Court from 1990-1992. He currently serves as vice chair of the board.

CARMEN ROBERTO was appointed to the board for a three-year term beginning Jan. 1, 2022. He is Of Counsel with the Akron office of Buckingham Doolittle & Burroughs, LLC where his practice area is litigation. Mr. Roberto is a former President of the Ohio State Bar Association and the Akron Bar Association.

STEVEN NOURSE was appointed to the board for a three-year term beginning on Jan. 1, 2023. He is Vice President of Legal for AEP and is responsible for forming and implementing legal strategies that shape the company's regulatory policy and legislative initiatives.

JOSUÉ VICENTE was appointed to the board for a three-year term beginning Jan. 1, 2020. He is the executive director of the Ohio Hispanic Coalition.

Director & Staff

The Supreme Court of Ohio appoints a director who serves at the pleasure of the Court and is responsible for managing the legal, fiscal, and administrative affairs of the office. The director also serves as secretary to the board of Commissioners. The director appoints, with the approval of the Court, staff to assist with the duties of the board.



JANET GREEN MARBLEY, the director and secretary to the board, was appointed by the Court in 1995. She is a graduate of the University of Cincinnati and Capital University Law School. She is the former president of the National Client Protection Organization and former chair of the American Bar Association's Standing Committee on Client Protection.



MINERVA ELIZAGA serves as assistant director to the board. She earned her bachelor's degree from McGill University and graduated from Temple University Beasley School of Law. She assists the director on policy matters and assists with claims.



MELETHA DAWSON serves as administrative coordinator and is responsible for processing all claims filed with the LFCP, maintaining the claims inventory, and coordinates the daily operations of the Fund.



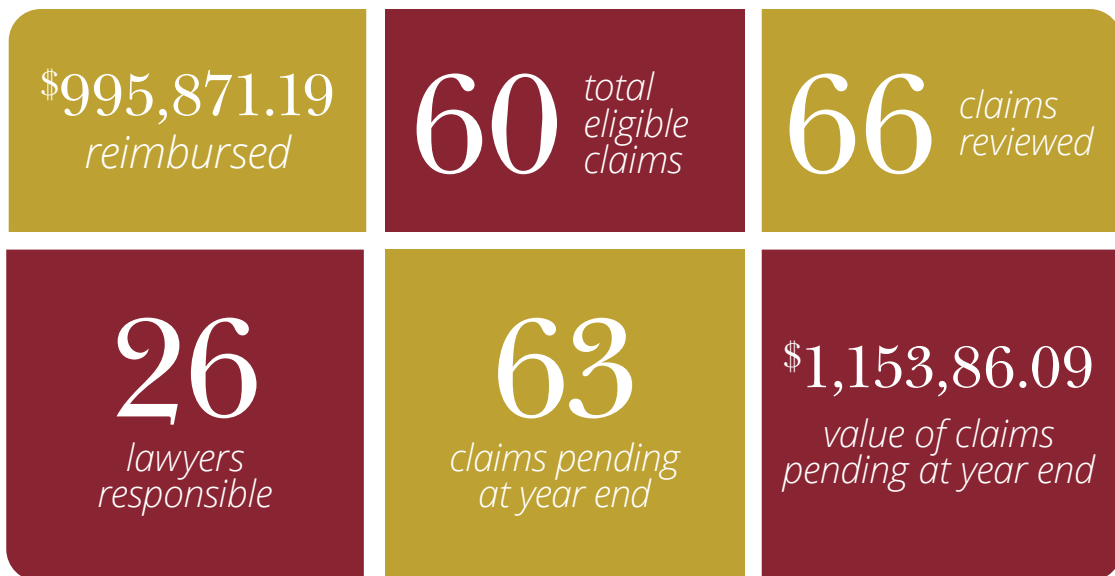
RIKKHYIA FAVOURS serves as fiscal officer and is responsible for the fiscal operations of the LFCP and the preparation of financial reports.

Claims Activity

The LFCP Board of Commissioners held four meetings during fiscal year 2024. The board reviewed 66 claims, determining 60 claims eligible for reimbursement totaling \$995,871.19. Five claimants received the maximum reimbursement amount of \$100,000. Thirty-four (34) claimants received 100% reimbursement of their losses. The reimbursements resulted from the dishonest conduct of 26 Ohio attorneys, which comprises six-one hundredths of a percent (0.06%) of the 44,400 active Ohio attorneys.

A total of 43 eligible claims were unearned fees totaling \$257,822.37, or 26% of the total reimbursed. There were 11 fiduciary theft claims, which account for the largest dollar amount reimbursed, \$603,477.52 or 61% of total reimbursements for FY2024.

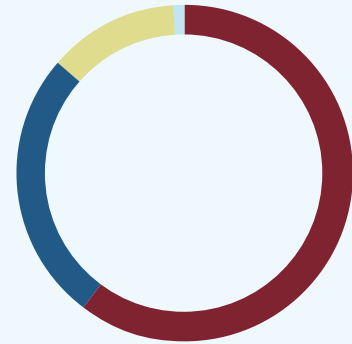
Fiscal Year 2024 At a Glance



One attorney is responsible for \$300,000 of the total amount reimbursed for FY 2024. \$741,703 (74%) of the total reimbursed is from the dishonest conduct of four attorneys.

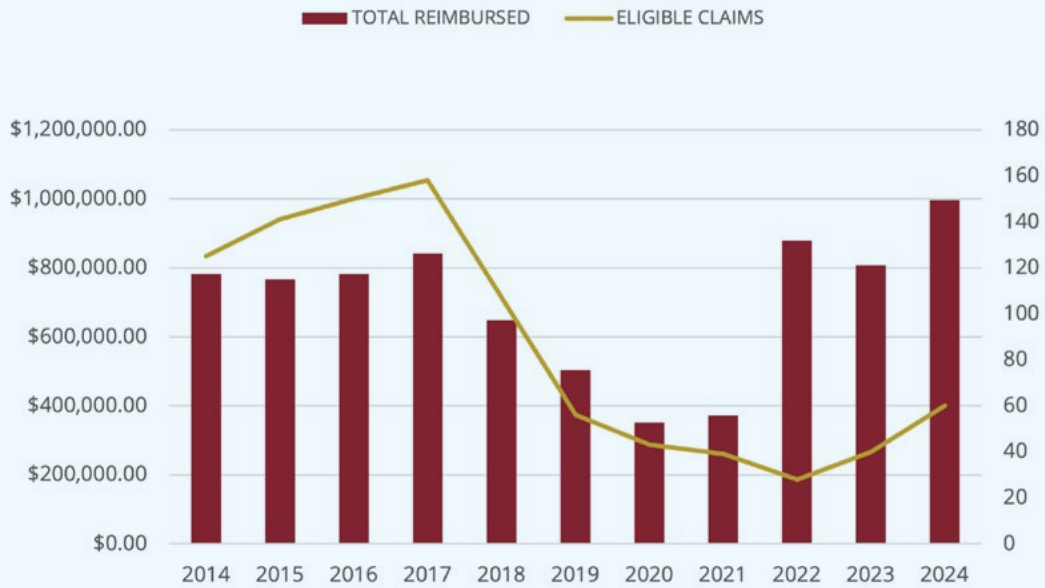
Fiscal Year 2024 Thefts by Category

Category of Client Loss	Reimbursements	Total
Escrow Thefts	1	\$ 10,000
Estate Thefts	0	\$ 0
Fiduciary Thefts	11	\$ 603,477.52
Settlement Thefts	5	\$ 124,571.30
Unearned Fees	43	\$ 257,822.37
Other	0	\$ 0
TOTAL	60	\$ 995,871.19



- Fiduciary Thefts (60.5%)
- Unearned Fees (26%)
- Settlement Thefts (12.5%)
- Escrow Thefts (1%)

Claims History, 2014 - 2024



Fund Revenues

Attorney Registration Fees

Every Ohio attorney must register with the Supreme Court of Ohio and pay a registration fee every two years. The LFCP is funded solely from a portion of these fees and any restitution collected from attorneys. No tax dollars are, or ever have been, used to support the Fund.

Operating Budget Allocation

The Court allocated \$601,349 for the Fund's fiscal year 2024 operating expenses. Of that allocation, \$569,745 (94.7%) of the operating budget was expended.

Trust Fund Allocation

Based upon the funds available in the trust account for the payment of claims, no funds have been allocated from the Attorney Services Fund since FY2021. A total of \$995,871 was expended from the trust account for the payment of claims. The trust account balance on June 30, 2024, was \$4,061,314.51.

Interest Income

Gov.Bar Rule VIII requires that trust fund investments be limited to short-term, insured obligations of the United States government. Although interest income fluctuations occur, maintenance of the principal is the goal. The trust account earned \$226,939.27 in interest income during fiscal year 2024.

Restitution Revenue

In FY2024, a total of \$20,255.89 in restitution was collected. Since the inception of the Fund, over \$1.79 million in restitution has been collected.

In FY2024, restitution was collected as follows:

- \$10,440.64 collected by the Office of the Attorney General
- \$7,769.25 collected through repayment agreements obtained by the LFCP
- \$2,046 collected by outside counsel (Weltman, Weinberg & Reis, Co., L.P.A.)

Attorneys Involved in Fiscal Year 2024 LFCP Claims

<i>Attorney</i>	<i>County</i>	<i>Eligible Claims</i>	<i>Theft Category</i>	<i>Reimbursement</i>
Dennis Lee Adams	Butler	1	Fiduciary	\$ 7,739.07
Phyllis Elaine Brooks	Cuyahoga	1	Unearned Fee	\$ 1,000.00
Russell Anthony Buzzelli	Medina	1	Unearned Fee	\$ 6,500.00
Nicole Marie Churchill*	Franklin	1	Unearned Fee	\$ 1,900.00
Donald Andrew Cox	Franklin	1	Unearned Fee	\$ 475.00
Kevin Christopher Cox	Coshocton	1	Unearned Fee	\$ 1,500.00
Steven Scott Fannin	Summit	2	Unearned Fee	\$ 3,133.00
Michael Jerome Feltis	Ross	3	Settlement/Unearned Fee	\$ 17,500.00
Owen David Kalis	Franklin	1	Unearned Fee	\$ 1,500.40
Dorothea Jane Kingsbury	Cuyahoga	3	Fiduciary	\$ 300,000.00
Henry William Kishman*	Erie	7	Escrow/Fiduciary	\$ 205,738.45
William Joseph Kissinger Jr.*	Mahoning	7	Settlement/Unearned Fee	\$ 98,097.92
David Hamilton Lowther*	Marion	3	Unearned Fee	\$ 4,500.00
Charles Anthony McKinney*	Montgomery	1	Unearned Fee	\$ 1,750.00
Michael Hugh Mearan*	Scioto	2	Fiduciary/Settlement	\$ 137,866.71
Athena Joan Nyers*	Allen	1	Unearned Fee	\$ 396.42
Jacqueline Ann O'Brien	Cuyahoga	1	Unearned Fee	\$ 3,000.00
Robert Morris Owens	Delaware	3	Unearned Fee	\$ 31,500.00
Sean Richard Porter	Cuyahoga	1	Unearned Fee	\$ 8,000.00
John Farnan Potts*	Lucas	5	Unearned Fee	\$ 73,000.00
Robert James Rohrbaugh II	Mahoning	6	Unearned Fee	\$ 14,465.00
Andrew T. Simmons*	Butler	1	Unearned Fee	\$ 10,788.47
Adam Charles Stone	Crawford	1	Unearned Fee	\$ 54,337.25
Gary Allen Vick, Jr.	Cuyahoga	2	Unearned Fee	\$ 3,100.00
James Edward Watson	Franklin	2	Unearned Fee	\$ 6,050.00
Bernard Zelig Yavitch*	Franklin	2	Unearned Fee	\$ 2,033.50
26 Attorneys		60 Eligible Claims		\$ 995,871.19

* Attorney was deceased at the time claim was filed and/or during claim process

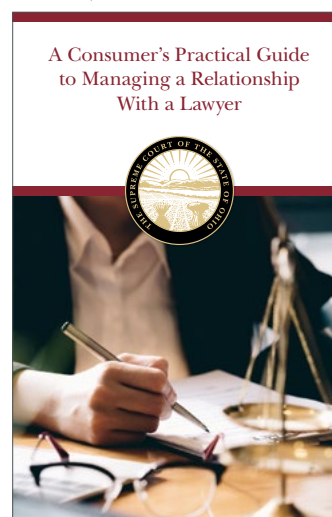
Public Information & Consumer Education

The Lawyers' Fund for Client Protection continues to increase its efforts to make the public aware of its existence. The Fund maintains a webpage at supremecourt.ohio.gov. The page contains questions and answers about the fund and the types of claims reimbursed. An application for reimbursement is available on the webpage as well.

With the assistance of the Court's Office of Public Information, the fund prepares public announcements following all LFCP board meetings containing information about claims determined by the board to be eligible for reimbursement. The announcements include a listing, by county, of attorneys involved in LFCP claims. The announcements are distributed statewide to news media outlets and other organizations.

The LFCP publishes a pamphlet containing a brief description of the purpose of the fund along with answers to basic questions about the types of claims reimbursed. The pamphlet, which is now available in Spanish and English, is distributed to individuals requesting information about the LFCP and/or applications for reimbursement. The pamphlet, as well as the fund's application for reimbursement, is also distributed statewide to bar associations.

In collaboration with the Court's Commission on Professionalism, the LFCP publishes "A Consumer's Practical Guide to Managing a Relationship with a Lawyer." The guide provides general information about the lawyer-client relationship, including how to find a lawyer, what to expect after hiring a lawyer, and how to avoid problems in the lawyer-client relationship. The consumer guide is distributed statewide to bar associations, public libraries, law firms, and other professional and governmental offices.



Comments & Inquiries

Any comments or inquiries regarding this report of the fund may be directed to:

Janet Green Marbley, *Director of the Lawyers' Fund for Client Protection*
The Supreme Court of Ohio
65 South Front Street
Columbus, Ohio 43215-3431

Lawyers' Fund for Client Protection

Former Commissioners

Luis M. Alcalde	2003 – 2008	Donna James	1991 – 1995
Benjamin F. Barrett Sr.	1998 – 2000	David Kamp	1992 – 1997
Hon. Patricia Ann Blackmon	2004 – 2009	Larry Johnson	2011–2017
Kathleen Burke	1985 – 1990	Hon. Richard H. Koehler	1985 – 1990
David S. Bloomfield	1990 – 1995	Jack R. Kullman Jr.	2015 – 2020
John J. Chester Jr.	1996 – 2001	Dennis M. Lafferty	2010 – 2012
Anne L. Clark	1998 – 2003	David P. Lyons	2002 – 2004
Michael Colvin	1992 – 1997	Keith McNamara	1985 – 1989
Emily K. Cooper	2000 – 2002	Fred E. Morr	1990 – 1995
Sally W. Cuni	2009 – 2014	William S. Newcomb Jr.	2002 – 2007
Gregory Delev	2017 – 2019; 2020 – 2022	Sara L. Peller	2015 – 2020
Kenneth R. Donchatz	2005 – 2010	Jerome Phillips	1998 – 2003; 2007 – 2012
Robert W. Everett	2003 – 2006; 2014 – 2019	Gordon L. Rose	1991 – 1996
Mary Ellen Fairfield	1990 – 1991	Monica Sansalone	2016 – 2021
George Gerken	1985 – 1991	Hon. John J. Russo	2011–2018
Laneta Goings	1995 – 1999	Brian G. Selden	2003 – 2004
John J. Grady	1985 – 1989	Stephen R. Serraino	2013 – 2018
Hon. James E. Green	2008 – 2013	Diane Smilanick	2001 – 2006
Edward G. Hack	2004 – 2009	Howard A. Traul II	2010 – 2015
Francis A. Herzog	1985 – 1989	Natalie Wester	1997 – 2002
Thomas A. Heydinger	1989 – 1994	Henry Young	1985 – 1988
E. James Hopple	1996 – 2001	John W. Zeiger	1995 – 1997





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